

Serial No. 10/691,304

REMARKS

It is respectfully requested that Ernst (2002/0121491) relied upon the Examiner be listed on Form PTO-892 to shown consideration thereof by the Examiner.

Claims 1, 7 and 11 have been incorporated into claim 8 as originally filed. As at least claims 7 and 8 were not rejected based upon McCann, Ernst (5,638,964) and Ernst (2002/0121491), the Examiner apparently recognizes patentability of the present invention thereover.

Claim 8 has been amended to further define the present invention in a manner to distinguish over the prior art. In particular, the Examiner is utilizing camming entry surface 37 of Krivec to be read on by both the restraint, the inclined section (of claims 6-8) and the protrusion (of claim 9). Claim 8 as amended prevents such a reading. Likewise, the reference number 54' (which is not described in Ernst 5,638,964) is not formed on inclined portion 7' and does not extend away from the tip 5' in a manner recited in claim 8 as amended. Furthermore, claims 4, 5, 6 and 9 have been amended and claims 13-23 have been added further defining the present invention in a manner to distinguish over the prior art. Thus, it is respectfully submitted that claims 2-6, 8-10 and 12-23 existing in this application are in condition for allowance for each of these separate and independent reasons. Favorable consideration is respectfully requested.

The Examiner has cited the United States patents listed in NOTICE OF REFERENCES CITED as D and E and indicated consideration of the United States patents cited by applicant. By the lack of application of these references and others like them within the classes or subclasses searched, the Examiner apparently recognizes the clear patentability of the present invention over any of these references.

Serial No. 10/691,304

Therefore, since the claims of the present application have been shown to include limitations directed to the features of applicant's tool-holding apparatus which are neither shown, described, taught, nor alluded to in any of the references cited by the Examiner, whether those references are taken singly or in any combination, the Examiner is requested to allow claims 2-6, 8-10 and 12-23, as amended, of the present application and to pass this application to issue.

Respectfully submitted,

Terence Chen



Alan D. Kamrath, Reg. No. 28,227
NIKOLAI & MERSEREAU, P.A.
Attorneys for Applicant
900 Second Avenue South
Suite 820 International Centre
Minneapolis, MN 55402
Tel: (612) 392-7306
Fax: (612) 349-6556

Dated: March 30, 2005.